

*These minutes were approved at the June 13, 2023 meeting.*

**ZONING BOARD OF ADJUSTMENT  
Tuesday, April 11, 2023 at 7:00 p.m.  
Town Council Chambers, Town Hall  
8 Newmarket Road, Durham, NH  
MINUTES**

**MEMBERS PRESENT:** Micah Warnock, Chair  
Neil Niman, Vice Chair  
Mark Morong, Secretary  
Chris Sterndale  
Leslie Schwartz  
Joseph Warzin, Alternate

**OTHERS PRESENT:** Audrey Cline, Zoning Administrator

**I. Call to Order**

Chair Warnock called the meeting to order at 7:00 pm.

**II. Roll Call**

Chair Warnock introduced all present members of the Board and Zoning Administrator Audrey Cline.

**III. Approval of Agenda**

No amendments were made to the agenda, and it was accepted as is by Chair Warnock.

**IV. Seating of Alternates**

As all members of the Board were present, no alternates were seated.

**V. Public Hearings:**

- A. *On a petition submitted by Heidi Asbjornsen, Durham, New Hampshire, for an **APPLICATION FOR SPECIAL EXCEPTION** in accordance with Article XX, Section 175-109(M)(2) of the Durham Zoning Ordinance to have a short-term rental within the residence. The property involved is shown on Tax Map 113, Lot 46, located at 29 Oyster River Road, and is in the Residence A Zoning District.*

Ms. Asbjornsen introduced herself as a homeowner and resident of Durham. She would like to be able to have guests stay on occasion in a room in her house on a short-term basis. She would only have guests when she was at the property. Regarding the criteria related to respecting the character of the neighborhood, she stated she has strict rules for her guests, including quiet hours between 9 pm and 7 am. Only one vehicle is allowed. She shared that she has hosted guests in the past and has not received any complaints from neighbors. The types of folks staying at her house are parents who want to visit their UNH students as well as prospective UNH students. She follows state laws regarding her property. She said she will only be renting out one bedroom and that bedroom has a queen size bed.

**Diane McCann**, 27 Oyster River Road, rose to ask about the safety inspections required of the property, whether there is a fee required, and if any special insurance is required. Zoning Administrator Cline provided information regarding inspections and stated that the applicant needs to comply with the state rooms and meals tax.

**Annmarie Harris**, 38 Oyster River Road and 58 Oyster River Road, expressed concern about the property being opened to too many people in the general public as a result of being advertised online. She is also concerned that the exception would stay with the property not the owner.

Ms. Asbjornsen reiterated she lives at the property in question and has firm quiet hours at her property. She stated she is very discerning when selecting the guests who will stay at her home.

Ms. McCann asked questions about the approval for processing the application and enforcing the zoning regulations. The Board shared this information with Ms. McCann, told her where she could find additional information, and invited her to come in to speak with the Zoning Administrator during business hours.

***Member Morong MOVED to close the public hearing. SECONDED by Member Schwartz and PASSED unanimously.***

The Board discussed the possibility of putting restrictions on the approval to limit the use to a single bedroom. Member Morong suggested restricting the approval to the single bedroom. Members Sterndale and Niman disagreed with placing restrictions on the application.

***MOTION by Chair Warnock to APPROVE the petition as submitted by Heidi Asbjornsen, Durham, New Hampshire, for an APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XX, Section 175-109(M)(2) of the Durham Zoning Ordinance to have a short-term rental within the residence of a single room. SECONDED by Vice Chair Niman and PASSED unanimously 5-0-0 through a roll call vote: Member Sterndale - aye, Member Morong - aye, Vice Chair Niman - aye, Member Schwartz - aye, Chair Warnock - aye.***

Chair Warnock stated there is a thirty-day appeal process to apply for a rehearing.

## **VI. Other Business**

Chair Warnock stated it was Member Sterndale's last meeting and acknowledged Member Sterndale for his time serving on the Zoning Board.

## **VII. Approval of Minutes: March 21, 2023**

***Member Schwartz MOVED to approve the minutes of March 21, 2023, SECONDED by Chair Warnock, and PASSED 5-0-0.***

## **VIII. Adjournment**

***Member Sterndale MOVED to adjourn the meeting, SECONDED by Member Schwartz, and PASSED 5-0-0.***

Adjournment at 7:41 pm  
Daphne Chevalier, Minutes taker